

### REMARKS

Claims 16-28 are pending in the present application. Claims 1-15 were previously cancelled. Claims 29-33 have been added, and claims 17, 21, and 24 have been amended herein. No new matter has been added. Applicants respectfully request reconsideration of the claims in view of the following remarks.

Claims 16-28 are rejected under the U.S.C. 112, first paragraph, as failing to comply with the written description requirement. In response, Applicants have amended the specification to include the specific limitation included in the originally filed claim 16. In particular, Applicants have amended paragraph [0025] to recite, "In other situations, a portion of the first dielectric layer 126 may remain on the side of the gate electrode 122 *such that the notched spacers is thinner along the surface of the substrate, as illustrated in Fig. 1j,*" wherein the italicized portion indicates the amendment. The above amendment to the specification provides explicit support for the width or thickness of the notched spacers to be thinner near or along the substrate and was included in the originally filed claim 16. Applicants have also added Figure 1j that explicitly illustrates this feature.

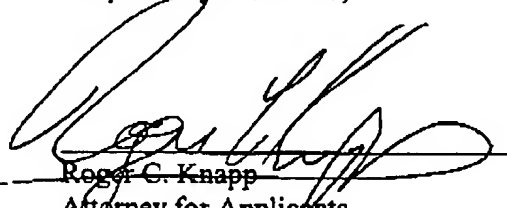
Regarding claim 24, Applicants respectfully submit that the amendments discussed above provide support for the recited limitation "at least a portion of the first layer along the surface of the substrate." Applicants also respectfully point out that all of the claim limitations must be read and considered. In particular, the etching step referred to by the Office Action recites, "the etching process removing at least a portion of the first layer along a surface of the substrate, *thereby forming a notch in the notched spacer alongside the gate electrode near the substrate.*" If the Examiner is concerned about the claim reading on a device wherein a portion of the first layer remains over the substrate in areas not adjacent to the gate electrode, such as areas not

covered by the spacer mask, Applicants believe the italicized portion of the recited limitation prevents this from occurring because a notch would not be formed in the notched spacer alongside the gate electrode.

In view of the above, Applicants respectfully submit that claims 16 and 24 are allowable. Claims 17-23 and 25-28 depend from claims 16 and 24, respectively, and add further limitations. It is respectfully submitted that these dependent claims are allowable by reason of depending from an allowable claim as well as for adding new limitations.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Roger C. Knapp, Applicants' attorney, at 972-732-1001 so that such issues may be resolved as expeditiously as possible. No fee is believed due in connection with this filing. However, should one be deemed due, the Commissioner is hereby authorized to charge, or credit any overpayment, Deposit Account No. 50-1065.

Respectfully submitted,



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Date

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